

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
  
 Patrick M. Flatley  
 United States Bankruptcy Judge

In re:	§	
	§	
BOSTON HOSPITALITY GROUP, INC	§	CASE NO. 1:17-00710
	§	
Debtor.	§	Chapter 11
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In re:	§	
	§	
BEANERY 119, LLC	§	CASE NO. 1:17-00711
	§	
Debtor.	§	Chapter 11
-----	§	-----
In re:	§	
	§	
BOSTON RESTAURANTS - PA, INC.	§	CASE NO. 1:17-00712
	§	
Debtor.	§	Chapter 11
-----	§	-----
In re:	§	
	§	
BEANERY INVESTMENT GROUP, INC	§	CASE NO. 1:17-00713
	§	
Debtor.	§	Chapter 11
	§	Jointly Administrated
Debtor(s).	§	

**AGREED ORDER DISPOSING OF U.S. TRUSTEE'S MOTION  
TO CONVERT OR DISMISS**

Come the Debtors herein, by bankruptcy counsel Todd Johnson and John Wiley ("Debtor"), together with James Gianola, principal and a United guarantor, ("Guarantor"), and United Bank, the major secured creditor of Debtor, by counsel Keith Pappas ("United"), pursuant to a properly noticed and regularly scheduled preliminary hearing upon the U.S. Trustee's Motion to Convert or Dismiss the within bankruptcies, and Debtor announcing it would execute the final sale of the Debtor's property on or by 15 July 2018, if the Court extends the time for the sale, proceeds of which are estimated to pay the estimated \$6,000 in remaining monies due the U.S. Trustee, and upon which sums due the Debtor has already forwarded the amount of \$15,000 past due thereon.

The final sale should result in assignment or satisfaction of certain claims of United in the bankruptcies and insure business continuance and the 85-plus jobs at three locations thereof, upon due notice to all creditors and parties in interest, and there being no objection thereto, and the Office of the U.S. Trustee and United agreeing thereto, the Court finds and rules upon the proffers presented that this agreement is made and accepted by all relevant parties as witnessed by their signatures hereto, and the Court further finding that this agreement is entered into in good faith, the Court accepts the agreement herein set forth, finding and ruling that:

1. The parties having agreed and announced to this Court their agreement, the Debtor shall continue with a Chapter 11 reorganization and a final sale, subject to all of the the following matters, as herein presented to the Court.

2. The Debtor has prior paid the sum of \$15,000 by check to the Office of the U.S. Trustee and has and does hereby agree to pay the sum of \$6,000 to the Office of the U.S. Trustee upon the closing of the remaining sale of assets, on or by the close of business on 15 July 2018, in accordance with the offers for the major assets of the bankrupt entities formerly accepted by Order of this Court.

3. Emily Holdings LLC's remaining offer, formerly approved, shall close by said new deadline, with United releasing all remaining debt in all bankrupt entities over and above the sales price, and the sale preserving three business locations with 85 employees. The Court therefore approves the, and there shall be permitted unyil the close of business on 15 July for the same to close and monies to be mailed to the address of the Office of the U.S. Trustee below.

4. Debtor operating reports through the remainder of the Debtor's time in charge of operations shall be filed by such time and thereafter Debtor shall promptly provide the Court and U.S. Trustee the closing packets concerning the sales.

6. All current commercial leases to the extent not assigned and arrearages paid as agreed are hereby declared null and void as of the entry of this order.

WHEREFORE, the Court finds and rules that the Debtor shall proceed to sale in accordance with all matters presented, and the sale shall proceed, upon the terms and conditions

set forth, and the cases thereafter moved to be converted or dismissed, as parties hereto may agree. The U.S. Trustee's motion shall be held in abeyance until such date.

AND it is therefore ORDERED, ADJUDGED and DECREED, all matters herein agreed are ruled GRANTED, and application is GRANTED for a continued sale of said assets by 15 July 2018 FREE AND CLEAR OF LIENS AND ENCUMBRANCES, subject only to assignment of liens and claims of United Bank.

SO ORDERED.

Prepared/Agreed by:

/s/ John F Wiley WV 4038  
J Frederick Wiley, PLLC  
PO Box 1381  
Morgantown, WV 26507  
304-906-7929

And

Todd B. Johnson WV 9261  
Johnson Law, PLLC  
PO Box 519  
Morgantown, WV 26507

Agreed by:

United Bank, Inc. by:

/s/ K. J. Pappas by jfw w permission  
Keith J. Pappas, Esq  
176 Fayette Street  
Morgantown WV 26505

Office of the U.S. Trustee:

/s/ D. Wertman by jfw w permission  
Deb Wertman Esq.  
Assistant U.S. Trustee  
300 Virginia Street East #2025  
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